

Express Mail No. EL685147306US

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE
(DO/EO/US)

Applicant(s): Lorenzo DI CAMILLO

Re: RESPONSE TO NOTIFICATION OF
MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE
(DO/EO/US)

U.S. Serial No.: 09/647,121

Group Art Unit: not yet assigned

INTERNATIONAL APPLICATION NO.:
PCT/IT99/00070

Our Ref.: B-4006PCT 618258-3

INTERNATIONAL FILING DATE:
24 March 1999

For: "DEVICE AND METHOD FOR THE
FACILITATED INSERTION OF THE MALE
MEMBER INTO A CONDOM"

Date: November 16, 2000

Assistant Commissioner for Patents
BOX PCT
Washington, D.C. 20231

Attn: Mr. Winston M. Alvarado
U.S. National Stage Processing
PCT International Division

Dear Mr. Alvarado:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated 10/16/2000 and the Notification of Defective Oath or Declaration dated 10/16/00 (copies enclosed), please find enclosed the following:

1. Declaration/Power of the inventor, identifying the application by U.S. application number, PCT international application number, and PCT international filing date;
2. Check in the amount of \$65.00 to cover the small-entity surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date; and
3. Verified Statements that this filing is by a small entity; and
4. Request for Refund.

11/22/2000 ERIMAND0 00000073 09647121

01 FC:254

65.00 OP

Letter re: Missing Requirements
International Appln. No. PCT/IT99/00070
U.S. Serial No. 09/647,121
November 16, 2000
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AUTHORIZATION TO CHARGE ADDITIONAL FEES

[X] The Commissioner is hereby authorized to charge the following additional fees which may be required or credit any overpayment to Account No. 12-0415.

[X] 37 CFR 1.16 (filing fees and presentation of extra claims)

[X] 37 CFR 1.17 (application processing fees)

[] 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b)).

Respectfully submitted,



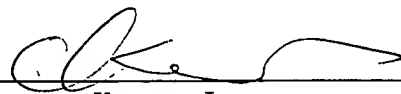
John Palmer
Attorney for the Applicant
Registration No.: 36,885
LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036-5679
Telephone No.: (323) 934-2300
Facsimile No.: (323) 934-0202

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service in an Express Mail envelope with sufficient postage for Express Mailing on this date November 16, 2000 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL685147306US addressed to the:

Assistant Commissioner for Patents
BOX PCT
Washington, D.C. 20231

Attn: Mr. Winston M. Alvarado
U.S. National Stage Processing
PCT International Division



Karyn Lao

Date: November 16, 2000



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/647121	DI CAMILLO	L B-4006PCT 61

LADAS & PARRY
5670 WILSHIRE BOULEVARD #2100
LOS ANGELES, CA 90036 5679

INTERNATIONAL APPLICATION NO.

PCT/IT99/00070

I.A. FILING DATE

PRIORITY DATE

24 MAR 99

27 MAR 98

DATE MAILED: 16 OCT 2000

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.
☒ English.

☐ Translation of the international application into English.

☒ Oath or Declaration of inventors(s) for DO/EO/US.

☒ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 26 SEP 2000 and _____

☐ Information Disclosure Statement(s) filed _____ and _____

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time, under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Winston M Alvarado

Telephone: 703-305-6421

BEST AVAILABLE COPY



EL685147306US
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/647121	DI CAMILLO	L B-4006PCT 61
INTERNATIONAL APPLICATION NO.		
PCT/IT99/00070		
LA. FILING DATE	PRIORITY DATE	
24 MAR 99	27 MAR 98	
DATE MAILED: 16 OCT 2000		

LADAS & PARRY
5670 WILSHIRE BOULEVARD #2100
LOS ANGELES, CA 90036 5679

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Winston M Alvarado

Telephone: 703-305-6421

REST AVAILABLE COPY

13 Rec'd PCT/PTO 16 NOV 2000

09/647121

EL685147306US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lorenzo DI CAMILLO

Re: SUBMITTAL OF VERIFIED STATEMENTS
CLAIMING SMALL ENTITY STATUS **AND**
REQUEST FOR REFUND

U.S. Serial No.: 09/647,121

Group Art Unit: not yet assigned

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Attn: Mr. Winston M. Alvarado
U.S. National Stage Processing
PCT International Division

Dear Mr. Alvarado:

REQUEST FOR REFUND

(Notice of January 20, 1983 - 1027 TMOG 114)

Enclosed herewith for filing in the above-identified application are two verified statements declaring that the applicant is entitled to small-entity status.

Please note that the National Fee submitted with the above-identified application on September 26, 2000 was for a large entity (\$840.00). Since small-entity status is now established, a refund is requested in the amount of \$420.00.

This request for refund is being made within two months of the date of payment of the first fee paid in this application on September 26, 2000.